

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GARY SCHMIDT,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,

Defendant.

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Case No. 16-10543

Honorable John Corbett O'Meara

**ORDER ADOPTING MAGISTRATE JUDGE DAVIS'  
FEBRUARY 16, 2017 REPORT AND RECOMMENDATION**

The court, pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, 28 U.S.C. § 636(b)(1)(B), and LR 72.1(E.D. Mich. March 1, 2010), has reviewed Magistrate Judge Stephanie Dawkins Davis' February 16, 2017 Report and Recommendation, as well as Plaintiff's February 21, 2017 objections to the report and Defendant's March 7, 2017 response to those objections.

After conducting a *de novo* review, the court hereby **ORDERS** that Magistrate Judge Davis' Report and Recommendation is **ADOPTED**.

It is further **ORDERED** that plaintiff Gary Schmidt's motion for summary judgment is **DENIED**.

It is further **ORDERED** that defendant Commissioner's motion for summary judgment is **GRANTED**, and the Commissioner's decision is **AFFIRMED**.

s/John Corbett O'Meara  
United States District Judge

Date: March 16, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 16, 2017, using the ECF system.

s/William Barkholz  
Case Manager